

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**ANGELA HALL and
ERIC HALL,**

Plaintiffs,

v.

Case No.: 3:22-cv-00277

**PUTNAM COUNTY COMMISSION,
et al.,**

Defendants.

**MEMORANDUM OPINION AND ORDER SEALING
EXHIBIT TO PLAINTIFFS' MOTION FOR CIVIL CONTEMPT**

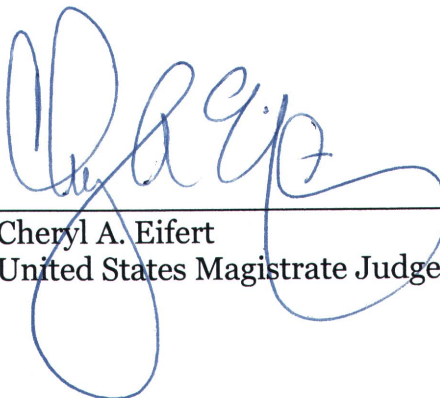
Pending before the Court is Plaintiffs' Motion to Seal, (ECF No. 94), requesting their Motion for Civil Contempt Against Barbara Baxter, Esq. and the attached Exhibits be filed as sealed. For the reasons that follow, the Court **GRANTS, in part**, and **DENIES, in part**, the Motion to Seal. The Court notes that the motion for civil contempt and memorandum in support, (ECF Nos. 93, 93-2), do not contain any information that is particularly sensitive or has not already been revealed in filings submitted in this case. However, the deposition transcript attached as Exhibit 1 to the Motion contains more detailed information regarding the confidential abuse and neglect proceedings and, therefore, merits sealing at this time. (ECF No. 93-1).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the

request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit 1 shall be sealed and shall be designated as sealed on the Court's docket. (ECF No. 93-1). The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document—which is information generally withheld from public release—alternatives to wholesale sealing are not feasible at this time. Moreover, the information provided in this exhibit is for the purpose of resolving a discovery dispute, rather than for disposition of substantive claims in this action. Accordingly, the Court finds that sealing the cited exhibit does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file Exhibit 1 to Plaintiffs' Motion for Civil Contempt Against Barbara Baxter, Esq., (ECF No. 93-1) under seal. The Motion for Civil Contempt, and the Memorandum in Support, (ECF Nos. 93, 93-2) shall be unsealed on the record. It is so **ORDERED**.

The Clerk is instructed to provide a copy of this Order to counsel of record, Barbara Baxter, Esq., and any unrepresented parties.

ENTERED: August 29, 2023



Cheryl A. Eifert
United States Magistrate Judge